

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested. Claims 1, 3-4, 13, and 15-16 are pending; Claims 1, 3-4, 13, and 15-16 are amended; and Claims 18-21 are added. It is respectfully submitted that no new matter is added by this amendment.

Initially, Applicants note that provided with the outstanding Office Action of May 16, 2005, was a form PTO-1449 corresponding to an Information Disclosure Statement (IDS) filed February 23, 2005. It appears that the returned form PTO-1449 did not contain the Examiner's initials next to reference AW cited under the "Other References" section of the IDS. Applicant had included a Statement of Relevancy (European Search Report identifying reference AW as a category "X" reference) regarding reference AW. For the Examiner's convenience, a copy of the returned IDS, the European Search Report, and reference AW are provided herewith. Applicants respectfully request confirmation of consideration of reference AW cited on the noted IDS be provided by returning a new initialed form PTO-1449 indicating consideration of reference AW.

In the outstanding Office Action dated May 16, 2005, Claims 1 and 13 were rejected under 35 U.S.C. § 102(e) as being anticipated by Luo et al. (U.S. Patent No. 6,216,158, hereinafter "Luo"); Claims 3-4, and 15-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Luo as applied to Claims 1 and 13 in view of Sudo (European Patent No. EP 0 797 336 A2).

In response to the rejection of Claim 1 under 35 U.S.C. § 102(e), Claim 1 is amended to clarify the control means operations of the remote controller terminal and the information processing device, Claim 1 recites *inter alia*,

said remote controller terminal includes ... first control means for controlling said wireless communication means to send a first command including a first authentication ID inherent to said remote controller terminal

...
said information processing device includes ... second control means for controlling said second wireless communication means to send the function item when the second control means determines that said first authentication ID is identical to a second authentication ID stored in said information processing device ...

Claim 13 is amended to incorporate its respective clarification in view of the remote controller terminal alone.

The authentication ID is used to prevent remote control by a third party.¹ Claim 1 describes a remote controller terminal that sends a first authentication ID.² The telephone CPU takes out an ID inherent to the telephone and transmits the ID for this authentication purpose.³ The information processing device checks the first authentication ID with its stored second authentication ID.⁴ The information processing device compares the first authentication ID received from the remote control terminal with a previously stored second authentication ID to control access.⁵ The amendments to Claim 1 and 13 are supported by the specification and therefore add no new matter.

In contrast to amended Claim 1 and 13, Luo does not describe using any type of authentication feature as claimed. Luo is directed to a device that uses a palm-sized computer that performs control over applications on a computer without any mention of this authentication feature. Accordingly, it is respectfully submitted that amended Claim 1 patentably defines over the Luo. For substantially the same reasons as discussed with regard to amended Claim 1, it is respectfully submitted that independent Claim 13 also patentably defines over Luo.

¹ Specification, page 9, lines 10-14.

² Specification, page 14, line 25 – page 15, line 5.

³ Specification, page 15, lines 1-5.

⁴ Specification, page 15, line 6 – page 16, line 5.

⁵ Specification page 15, line 24 – page 16, line 5.

With regard to the rejection of Claims 3-4 and 15-16 under 35 U.S.C. § 103(a), Claims 3-4 and 15-16 are dependent on Claim 1 and 13 respectively. As discussed above amended Claim 1 and 13 are believed to be allowable. The Office Action does not rely upon Sudo for the features identified as deficient in Luo. Therefore, as none of Luo or Sudo discloses or suggests the limitations recited in Claim 1, it is respectfully submitted that these dependent claims patentably distinguish over the referenced art.

Claims 3-4 and 15-16 are amended for clarity and antecedent reference reasons. Newly added Claims 18-21 are also believed to patentably distinguish over the references of record but for different reasons. As support for new Claims 18-21 may be found at least for example, in Fig. 1, Fig. 5, and at page 11, line 5 to page 20 of the specification, it is respectfully submitted that no new matter is added by this amendment.

New Claims 18-21 alternately claim the subject matter of Claim 1 to have the remote controller terminal comprised of a wireless telephone which singly is capable of all the functions that the remote control terminal is capable of according to Claim 1. Reviewing this new base claim would not require further search or consideration because it only restructures the previously examined and rejected Claim 1 to not be anticipated by Luo while more clearly stating Applicants claimed subject matter in its product form. Where Claim 1 was rejected for the reason that Luo had disclosed a remote control terminal that uses wireless data communications⁶ along with other devices that together, not singly, have remote control capabilities, New Claim 18 is directed toward a remote control terminal that uses a wireless telephone singly to have all the function capabilities (wireless communication means, operation means, control means, and display means) as recited in Claim 1.

Luo's control device alone is not a wireless telephone that is singly capable of all the remote control terminal functions. Luo does not disclose all these remote control terminal

⁶ Luo, col. 5 lins 57-65.

function capabilities in a wireless telephone singly therefore Claim 18 patentably distinguishes over Luo. Because Claims 19-21 are dependent on Claim 18 these claims accordingly also patentably distinguish over Luo.

Consequently, in view of the foregoing discussion and present amendment, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Lastly, this amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering of amendments presenting rejected claims in better form for consideration on appeal. The present amendment amends the claims to include allowable subject matter and adds new claims that better describe the claimed subject matter without requiring further consideration and/or search. This amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully submitted that the present amendment kindly be entered under 37 C.F.R. § 1.116.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)